

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JAMES HARLAN LYNN,)	
ID # 46080-177,)	
Movant,)	No. 3:15-CV-1819-N
vs.)	No. 3:13-CR-100-N
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

ORDER

Before the Court is the *Petitioner's Objections to the Magistrates Report and Recommendation*, received May 9, 2017 (doc. 27.) The movant contends that the Magistrate Judge's *Findings, Conclusions and Recommendation*, filed April 3, 2017, did not address all of the claims he raised in his motion under 28 U.S.C. § 2255 and memorandum in support.

The movant's objections are overruled. The recommendation addressed all of the claims that the movant raised in his § 2255 motion and memorandum. Some of the claims that the movant contends were not addressed were not actually raised in his § 2255 motion and memorandum. Accordingly, after reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the movant's objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Because the movant's objections raise claims that were not actually raised in his § 2255 motion, his filing is liberally construed as a motion to amend his § 2255 motion to add those new claims, and the motion to amend is **GRANTED**. See *Hale v. Young*, 584 F. App'x 246, 247 (5th Cir. 2014) (although claims raised for the first time in objections to a magistrate judge's

recommendation are generally not properly before the district court, the district court may construe the objections as a motion to amend the § 2255 motion) (citing *United States v. Armstrong*, 951 F.2d 626, 630 (5th Cir. 1992), *United States v. Riascos*, 76 F.3d 93, 94 (5th Cir. 1996)). This case is **RE-REFERRED** to the U.S. Magistrate Judge to address the movant's new claims.

SIGNED this 6th day of June, 2017.



DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE